

Remarks

Reconsideration of this Application is respectfully requested.

Claims 13, 16, 17, 52-59 and 69-71 are pending in the application, with claims 13 and 71 being the independent claims. Claims 1-12, 14, 15, 18-51 and 60-68 were previously canceled. No new matter has been added.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Double Patenting Rejections

On page 13 of the Office Action, claims 13 and 69-71 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 38, 50, and 51 of copending U.S. Patent App. No. 10/939,075 in view of U.S. Patent Publication No. 2002/0079572 to Khan *et al.* (hereinafter "Khan"). On page 16 of the Office Action, claims 16 and 52-57 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 38, 50, and 51 of copending U.S. Patent App. No. 10/939,075 in view of Khan and U.S. Patent No. 5,744,863 to Culnane *et al.* (hereinafter "Culnane"). On page 19 of the Office Action, claims 17, 18, and 59 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 38, 50, and 51 of copending U.S. Patent App. No. 10/939,075 in view of Khan and U.S. Patent No.

6,583,513 to Utagikar *et al.* (hereinafter "Utagikar"). Applicants respectfully request that these rejections be held in abeyance until allowable subject matter is indicated.

Rejections under 35 U.S.C. § 103

Claims 13, 17, 58, 59, 70, and 71

On page 2 of the Office Action, claims 13, 17, 58, 59, 70, and 71 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Publication No. 2002/0079572 to Khan *et al.* (hereinafter "Khan") in view of U.S. Patent No. 6,583,513 to Utagikar *et al.* (hereinafter "Utagikar"). Applicants respectfully traverse this rejection.

Khan cannot properly be used to preclude patentability under 35 U.S.C. § 103(a) for at least the reason that Khan qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102, and the subject matter of Khan and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. For example, see 35 U.S.C. § 103(c)(1), which states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

A. Khan qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102.

The present patent application was filed May 7, 2001.

Khan does not qualify as prior art under 35 U.S.C. § 102(a).

Khan published on June 27, 2002, which is after the U.S. filing date of the present application. Moreover, Applicants invented the claimed invention on or before the U.S. filing date. Thus, Khan did not publish before the invention by Applicants. Accordingly, Khan does not qualify as prior art under 35 U.S.C. § 102(a).

Khan does not qualify as prior art under 35 U.S.C. § 102(b).

The date of the present application for patent in the U.S. is May 7, 2001. Khan published on June 27, 2002, which is after the filing date of the present application. Thus, Khan did not publish more than one year prior to the date of the present application for patent in the U.S. Accordingly, Khan does not qualify as prior art under 35 U.S.C. § 102(b).

Khan does not qualify as prior art under 35 U.S.C. § 102(c).

Applicants have not abandoned the invention. Thus, Khan does not qualify as prior art under 35 U.S.C. § 102(c).

Khan does not qualify as prior art under 35 U.S.C. § 102(d).

The invention was not first patented or caused to be patented (nor was it the subject of an inventor's certificate) by Applicants or their legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent (or inventor's certificate) filed more than twelve months before the filing of the application in the U.S. Thus, Khan does not qualify as prior art under 35 U.S.C. § 102(d).

Therefore, Applicants assert that Khan qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102.

B. *The subject matter of Khan and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.*

On December 18, 2000, the inventors in Khan executed an assignment to Broadcom Corporation, which was recorded at the USPTO on December 22, 2000 at Reel/Frame 011397/0059. On April 27, 2001, the inventors in the present application executed an assignment to Broadcom Corporation, which was recorded at the USPTO on May 7, 2001 at Reel/Frame 011780/0730. Based on these facts, Applicants assert that the subject matter of Khan and the claimed invention were, at the time the invention was made, clearly owned by the same person or subject to an obligation of assignment to the same person.

For at least the reasons set forth above, Khan cannot properly be used to preclude patentability under 35 U.S.C. § 103(a).

Moreover, Utagikar alone does not teach each and every feature of respective claims 13, 17, 58, 59, 70, and 71.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 13, 17, 58, 59, 70, and 71 and that these claims be passed to allowance.

Claims 16 and 52-57

On page 8 of the Office Action, claims 16 and 52-57 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan in view of Utagikar and U.S. Patent No. 5,744,863 to Culnane *et al.* (hereinafter "Culnane"). Applicants respectfully traverse this rejection.

Khan cannot properly be used to preclude patentability under 35 U.S.C. § 103(a) for at least the reasons set forth above.

Moreover, Utagikar and Culnane, alone or in combination, do not teach or suggest each and every feature of respective claims 16 and 52-57.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 16 and 52-57 and that these claims be passed to allowance.

Claim 69

On page 12 of the Office Action, claim 69 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan in view of Utagikar and Culnane and U.S. Patent No. 5,903,052 to Chen *et al.* (hereinafter "Chen"). Applicants respectfully traverse this rejection.

Khan cannot properly be used to preclude patentability under 35 U.S.C. § 103(a) for at least the reasons set forth above.

Moreover, Utagikar, Culnane, and Chen, alone or in combination, do not teach or suggest each and every feature of claim 69.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 69 and that this claim be passed to allowance.

Information Disclosure Statement

On page 2 of the Office Action, the Examiner did not consider the references cited in the Tenth Supplemental Information Disclosure Statement, filed on April 7, 2006, because Applicants allegedly need to provide copies of the foreign documents. Applicants assert that copies of the foreign documents are not required. Nevertheless, to

expedite prosecution, Applicants provide herewith an Eleventh Supplemental Information Disclosure Statement, listing the foreign documents, along with copies of the foreign documents. Applicants request that the Eleventh Supplemental Information Disclosure Statement be considered and the accompanying Form PTO/SB/08A be initialed and returned.

As Applicants have complied with the Examiner's request, Applicants further request that the Tenth Supplemental Information Disclosure Statement, citing Abstracts of the foreign documents cited in the Eleventh Supplemental Information Disclosure Statement, be considered and the accompanying Form PTO/SB/08B be initialed and returned.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Bryan S. Wade
Attorney for Applicants
Registration No. 58,228

Date: 2/9/07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

617594_1.DOC

Atty. Dkt. No. 1875.0370000